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The Fourteenth Amendment was adopted in 1868. The history of its adoption is full of interest, but the story is too long to be recounted here. The question of the purpose and effect of the new provision was first judicially approached in the famous cases known as "The Slaughter House Cases," decided by the Supreme Court of the United States in 1872. The decision was made by a bare majority, and the friends of the Amendment were surprised and grieved at what they deemed to be a narrow and mistaken view of its scope and influence. Time, however, has worked a change, and although Mr. Justice Miller then declared that he doubted very much whether the provision forbidding a denial of the equal protection of the laws would ever be construed as applying to any other class that the colored race, subsequent events have demonstrated that it is vastly more important to the white race, and much more frequently appealed to by them for their protection. In short, as contended by Mr. Justice Swayne in his dissenting opinion, this amendment, fairly construed, rises "to the dignity of a new Magna Charta," and its beneficent effect is yearly growing more and more apparent.

The literature upon the subject is not abundant. In 1898, Mr. Guthrie published his brief but interesting and valuable series of lectures, suggesting that in the future a more exhaustive treatise might appear, but it has not yet been published. Judge Brannon has therefore done well in attempting to gather together the cases in which the Amendment has been applied, and he has collected them with much diligence and care. The result can not fail to be useful to anyone interested in the subject.

The book bears many evidences of haste or inexperience in preparation. There is no symmetry in style, and the sense of proportion is largely lacking. Long and somewhat grandiloquent comments are followed by condensed and ragged paragraphs which are evidently the rough notes of cases incorporated in the text without rewriting or expansion. As a whole, however, the book will be found useful and many of the defects in style will doubtless disappear when a new edition gives opportunity for revision.

FLOYD R. MECHEM

BOONE ON REAL PROPERTY.—The Bancroft-Whitney Co. have recently issued a second edition of Boone's Real Property Law. The first edition published in 1883 was in two volumes. The present edition is in three and contains 1743 pages of text and citation of authorities. The first two volumes have been considerably enlarged and the third, which has been added to this edition, is regarded by the author as supplementary to the first two. "The opening chapter," he says, "treats generally of the rights and duties of landowners and the following chapters treat in detail the various remedies to which landowners may resort to protect their rights and interests, or to obtain redress in case of their wrongful invasion." The volumes are small 12mo. The publishers have used good white paper, firm and not too heavy, and the page of open clear-faced type is pleasant to the eye. This is not a small and insignificant matter in any volume intended for the use of persons who are frequently compelled to tax their eyes with work for several consecutive hours without rest.

We think, others may not agree with us, that the volumes are too small. They can be readily held in one hand. Lawyers, however, do not read law

books for recreation or relaxation, swinging in a hammock. They no longer demand, it is true, the huge and heavy quartos in vogue two centuries ago. But if we mistake not, the practicing attorney of today looks upon a 12mo or 16mo law book, with a feeling akin to that with which the soldier in an active campaign regards a toy pistol, as a source of danger to its unfortunate possessor.

Any treatise on a special law subject is necessarily a book of reference. Such works, where the common law prevails, are not regarded as the source and fountain-head of the law, but at best as excellent guides and pleasant companions for one in search of the Temple of Justice and the shrine of the blind goddess. They are consulted for information as to the latest decisions and the trend of the judicial thought of the day touching the new questions and the new problems that are continually arising. Each volume of such a work should contain as much matter as possible upon any given subject and not be unwieldy. It is far more satisfactory, because it saves time, fuss, and trouble, if what one seeks is found between the lids of some one volume and is not scattered here and there through two or more. If a law book can be readily held with both hands and conveniently read it is not over-bulky in our judgment.

Had not the author in his preface indicated clearly that his work has been written for the use of the bar, for men in actual practice, we should have concluded that he had in mind in its preparation the needs of the student first entering upon the study of this ancient branch of the law. Not having been written however for the student it is not an adverse criticism to say that the work is not adapted to his needs. What the student, who enters upon the study of real property law, requires at first is a clear statement of the leading principles of the science, free, as far as possible, from all conflicting and confusing exceptions and limitations. Such general rules should be accompanied by a clear statement of the reason for their adoption. After the student has mastered a bold and faithful outline of the subject, he is prepared to enter upon a practical study of the law, a painstaking examination of the application of those general principles to concrete cases. We do not wish to be understood as criticizing by these remarks the leading case system of law study. The laboratory system of investigation is often essential in obtaining exact and practical knowledge of a particular subject, but it is not necessarily the beginning of wisdom.

Since this work was written for the active practitioner it is entitled to consideration from his standpoint. That a second edition has been called for within the short period of eight years is weighty evidence that the work has met with a favorable reception. And yet we are forced to say it falls short of being an ideal manual for the working lawyer. The practitioner desires a work differing materially from the one adapted to the wants of the student. He is searching for a clear and lucid filling in of the outlines of the law which he is presumed to know. He desires that his attention shall be directed to the limitation of general rules, and that he be furnished with a careful and methodical analysis of their application to concrete cases, after the manner of those great masters, Littleton, Coke, Blackstone, and Kent, the whole accompanied by a careful citation of authorities that are really and tually in point. The author has not given the practitioner a work of that

character. He has cited a large number of cases but there is very little in the text to indicate the particular principles of the law which those citations establish.

The author is not always happy and discriminating in his selection of definitions. For instance, in treating of fixtures he gives a definition found in the case of *Carlin* v. *Ritter*, 68 Md. 478, 6 Amer. St. Rep. 467, that "by the term fixture, in its legal sense, is meant something so attached to the realty as to become, for the time being, a part of the freehold, as contra distinguished from a mere chattel." The question of what is or what is not, a fixture was not before the court in that case. The question presented for decision was the right of a tenant, who had taken a new lease of the premises for a further term, to remove fixtures before the expiration of the new term, which he had annexed during the first term of his lease and which he might have removed before its expiration. The court held that he had abandoned to the landlord the fixtures previously annexed by taking a new lease. The decision did not call for any definition of a fixture. The character of the property in controversy was not in question. The definition must be read in the light of the question before the court for decision. It is a definition of an immovable fixture. We do not understand that the court held that the fixtures in question before they were abandoned were a part of the freehold and not mere chattels. If the question was presented to the Maryland court as to whether trade fixtures should be assessed as personal property belonging to the tenant or "a part of the freehold," we have no doubt that such fixtures were chattels.

The law governing fixtures is in a state of deplorable uncertainty and yet there are some questions fairly well settled, and one of them is, that not every fixture is a part of the freehold. Indeed in every case where the character of a given fixture is involved the very question to be decided is whether or not that particular fixture is movable or immovable, a chattel or a part of the realty. It is perhaps unfair to Mr. Boone to call attention to his treatment of the subject of fixtures. He devotes only seven sections to that particular subject. If he had taken all that space and given simply a clear definition, followed by a brief summary of the rules adopted by the courts to determine as between vendor and vendee, landlord and tenant, etc., what are regarded as movable or immovable fixtures in a given case, he would have had no space to spare and he could have claimed the merit at least of having erected a finger-post.

More than one-third of the text is given up to citations of authorities. This would greatly commend the work if the text had been well digested, but unfortunately you can seldom be at all certain what may or may not be found in any particular case cited. The work contains no table of cases and furnishes, therefore, no means of ascertaining whether a given case has been cited, or if cited, in what connection. The author is well qualified to give both the student and the bar a work upon the law of real property that would be far more satisfactory than the present treatise.

B. M. THOMPSON

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